

104TH CONGRESS
1ST SESSION

H. R. 1344

To amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972 to direct the Under Secretary of Commerce for Oceans and Atmosphere to conduct a research program to evaluate technology for depositing certain waste on the deep ocean seabed.

IN THE HOUSE OF REPRESENTATIVES

MARCH 29, 1995

Mr. BURTON of Indiana introduced the following bill; which was referred to the Committee on Science, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title II of the Marine Protection, Research, and Sanctuaries Act of 1972 to direct the Under Secretary of Commerce for Oceans and Atmosphere to conduct a research program to evaluate technology for depositing certain waste on the deep ocean seabed.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. RESEARCH TO EVALUATE TECHNOLOGY FOR**
2 **DEPOSITING CERTAIN WASTE ON DEEP**
3 **OCEAN SEABED.**

4 (a) SHORT TITLE.—This section may be cited as the
5 “_____ Act of 1995”.

6 (b) RESEARCH PROGRAM.—Title II of the Marine
7 Protection, Research, and Sanctuaries Act of 1972 (33
8 U.S.C. 1441 et seq.) is amended by—

9 (1) redesignating section 205 as section 206;
10 and

11 (2) inserting after section 204 the following
12 new section:

13 **“SEC. 205. DEEP OCEAN SEABED RESEARCH PROGRAM.**

14 “(a) IN GENERAL.—The Under Secretary, in co-
15 operation with the Administrator, shall conduct a research
16 program to demonstrate the feasibility of disposing of au-
17 thorized waste by depositing it on the deep seabed by
18 means of a closed container that isolates the waste from
19 contact with the water column through which it passes.

20 “(b) PERMITS.—

21 “(1) ISSUANCE.—As part of a research pro-
22 gram under this section and not later than 160 days
23 after the date of the enactment of _____ Act of 1995,
24 the Under Secretary shall issue permits to private
25 persons which authorize the deposit of authorized

1 waste at one or more specified sites on the deep sea-
2 bed.

3 “(2) TERMS OF PERMITS.—A permit issued
4 under this subsection shall—

5 “(A) specify a site for deposit of author-
6 ized waste, that is located in—

7 “(i) the Atlantic Ocean;

8 “(ii) the Pacific Ocean; or

9 “(iii) the Gulf of Mexico;

10 “(B) require that authorized waste be de-
11 posited in a manner that prevents the waste
12 from contacting the water column before the
13 waste reaches the proximity of the deep seabed;

14 “(C) authorize deposits under the permit
15 during the 15-year period beginning on the ef-
16 fective date of the permit;

17 “(D) require the person authorized to de-
18 posit authorized waste under the permit to con-
19 duct monitoring of the site or sites at which the
20 wastes are deposited and to submit reports of
21 such monitoring to the Under Secretary and the
22 Administrator; and

23 “(E) provide that if the Under Secretary
24 determines on the basis of monitored informa-
25 tion that the deposit of authorized waste under

1 the permit is adversely affecting ocean environ-
2 mental conditions to an unacceptable extent,
3 the Under Secretary may—

4 “(i) revoke the permit for any further
5 deposits; and

6 “(ii) require that the permittee re-
7 cover so much of the authorized waste al-
8 ready deposited under the permit as is rea-
9 sonably possible.

10 “(3) LIMITATION.—The Under Secretary may
11 not issue more than one permit under this section
12 that authorizes deposit of authorized material in
13 each of the areas referred to in paragraph (2)(A)(i),
14 (ii), and (iii).

15 “(4) TREATED AS EPA PERMIT.—For purposes
16 of this title—

17 “(A) a permit issued under this section is
18 deemed to be a permit issued by the Adminis-
19 trator under section 102, and

20 “(B) such issuance shall constitute a waiv-
21 er of the [prohibitions] and fee [specified] in
22 section 104(b).

【What is the intent of subparagraph (B)? What
“prohibitions” are “specified” in section 104(b)?】

1 “(c) AUTHORITY OF UNDER SECRETARY.—The
2 Under Secretary may exercise any authority with respect
3 to a permit under this section that the Administrator may
4 exercise under this title with respect to a permit under
5 section 102.

6 “(d) MONITORING.—As part of the research program
7 under this section, the Under Secretary and the Adminis-
8 trator shall jointly design and conduct a program for mon-
9 itoring the environmental conditions at sites where author-
10 ized wastes are deposited under permits issued under this
11 section, and at other nearby areas that might be affected
12 by those wastes.

13 “(e) REPORTS.—Not later than 1 year after the date
14 of the enactment of the ____ Act of 1995 and annually
15 thereafter, the Under Secretary [and the Administrator?]
16 shall [jointly] prepare and submit to the Congress an an-
17 nual report on the progress and results of the research
18 programs conducted under this section.

19 “(f) DEFINITIONS.—For purposes of this section—

20 “(1) AUTHORIZED WASTE.—The term ‘author-
21 ized waste’ means dredge spoil, gold mining spoil, fly
22 ash, incinerator ash, sewage sludge, and any other
23 waste designated by the Under Secretary.

1 “(2) UNDER SECRETARY.—The term ‘Under
2 Secretary’ means the Under Secretary of Commerce
3 for Oceans and Atmosphere.

4 “(3) DEEP SEABED.—The term ‘deep seabed’
5 means the gently undulating, sediment covered sea
6 floor which is largely quiescent and which is located
7 at depths greater than 5,000 feet below the ocean
8 surface.”.

